

REMARKS

Claims 11-24 and 35-68 are pending in this action. Claims 11-24 and 35-68 are rejected. Various amendments to the specification have been made. No claims have been amended. No new matter has been added by way of these amendments.

Objections to the Specification

The Examiner has objected to the specification because of various informalities. The Examiner has required information in the cross-references to related applications to be supplied. Applicant has amended the specification to include the application numbers of the cited applications, which Applicant submits satisfies any requirements related to such references. Applicant notes that this application is part of a large family of applications, including continuations and divisionals of at least some of the indicated applications. Details regarding the continuations and divisionals have not been included. Accordingly, Applicant respectfully requests the Examiner withdraw this objection.

In addition, the Examiner has requested that the description of Figures 1A and 1B be moved from the detailed description to the background section. Applicant has moved the description of Figures 1A and 1B from the detailed description to the background. In so doing, Applicant is not admitting that any particular portion of or all of the moved text is prior art or that one would be motivated to combine other references with what is described. Applicant respectfully requests the Examiner to withdraw this objection.

The Examiner also has objected to the specification because it contains embedded hyperlinks and/or other browser-executable code. Applicant respectfully traverses the Examiner's objections. Some of the references the Examiner has objected to are provided as examples in furtherance of the written description requirement of 35 U.S.C. § 112, ¶ 1, which is permitted by MPEP 608.01. Those references are hypothetical and thus are not "embedded hyperlinks" — to the extent that they are not truly hyperlinks. In furtherance of prosecution, Applicant has amended the specification to make clear that some of the references to which the Examiner objected are merely hypothetical and to remove the remaining references. Accordingly, Applicant respectfully requests the Examiner to withdraw this objection.

Objections to the Abstract

The Examiner has objected to the abstract because it contains two paragraphs. Applicant has replaced the previous abstract with a single paragraph abstract to address Examiner's concerns. Accordingly, Applicant respectfully requests the Examiner to withdraw this objection.

Aversa Does Not Anticipate the Claims And Is Not An Appropriate Primary Reference

The Examiner has rejected claims 11, 13, 14, 16-22, 35, 37, 38, 40-46, 49-58, 60 and 62-68 under 35 U.S.C. § 102(b) as being anticipated by Aversa et al., ("Load Balancing a Cluster of Web Servers: Using Distributed Packet Rewriting," Computer Science Department, Boston University) ("Aversa") — in view of alleged inherent features as shown by TCP/IP Illustrated: The Protocols, Volume 1 by W. Richard Stevens ("Stevens"). The Examiner has rejected claims 12, 23, 24, 36, 47, 48, 59 and 61 under 35 U.S.C. § 103(a) as being unpatentable over Aversa et al. and in view of Yuasa et al. (U.S. Patent No. 6,085,238) ("Yuasa"). The Examiner has rejected claims 15 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Aversa et al. in view of RFC 2003 by C. Perkins, IBM, October 1996 (Perkins). Applicant respectfully traverses the Examiner's rejections.

Claim 11 recites, "when the state of the information processing system is a first state, selectively output the information packet, such that the output information packet bypasses the first local area network." (emphasis added). The Examiner points to Figure 2 of Aversa, and contends Aversa's local network is the recited first network and that the illustrated arrows show a connection being forwarded on another network by bypassing that local network. Figure 2 of Aversa, however, shows that each of the servers 2-5 are connected only to a single local network (LAN). The illustrated arrows only indicate logical data flow and do not indicate additional local networks. Aversa makes it clear that there is only a single LAN, because Aversa specifically requires a means to distinguish between packets received from a client and rerouted packets. See Aversa, § 3.1, second paragraph. The Examiner also points to page 3, paragraph 2, and to page

2, paragraph 3. Neither passage describes the use of multiple LANs. Further, page 2, paragraph 3 discusses a different architecture than illustrated in Figure 2 that does not “selectively execute a software application associated with the information packet.” Thus, for at least these reasons, Aversa, alone or in combination with any other cited reference, does not teach, suggest, or motivate “that the output information packet bypasses the first local area network” as recited by claim 11. Claims 12-24 and 49-51 depend from claim 11, and are allowable at least by virtue of the dependencies. Accordingly, claims 11-24 and 49-51 are not anticipated by Aversa, alone or in combination with Stevens.

Claim 35 similarly recites, “when the state of the information processing system is a first state, selectively outputting the information packet, such that the output information packet bypasses the first local area network.” The Examiner relies on the analysis described above for claim 11 to reject claim 35. As discussed above, Aversa does not teach, suggest, or motivate “selectively outputting the information packet, such that the output information packet bypasses the first local area network.” Claims 36-48 and 52-54 depend from claim 35, and are allowable at least by virtue of the dependencies. Accordingly, claims 35-48 and 52-54 are not anticipated by Aversa, alone or in combination with Stevens.

Claim 55 similarly recites, “when the state is a first state, selectively output the information packet, such that the output information packet bypasses the first local area network.” The Examiner again relies on the analysis described above for claim 11 to reject claim 55. As discussed above, Aversa does not teach, suggest, or motivate “the output information packet bypasses the first local area network.” Claims 56-61 depend from claim 55, and are allowable at least by virtue of the dependencies. Accordingly, claims 55-61 are not anticipated by Aversa, alone or in combination with Stevens.

Claim 62 similarly recites, “when the information processing system is in a second state, selectively forwarding the information packet such that the forwarded information packet bypasses the first local area network.” The Examiner points to the same passages of Aversa. As discussed above, Aversa does not teach, suggest, or motivate “the forwarded information packet bypasses the first local area network.” Claims 63-68 depend from claim 62,

and are allowable at least by virtue of the dependencies. Accordingly, claims 62-68 are not anticipated by Aversa, alone or in combination with Stevens.

In addition, with regard to claims 14, 38, 60 and 64, the Examiner has asserted that the first full paragraph on page 5 of Aversa, which discusses IP-IP encapsulation, somehow teaches including “a reference to a data structure of a connection with the client.” Applicant respectfully traverses the Examiner’s contention. The Examiner has not identified any “data structure of a connection with the client” and an associated “reference” in Aversa’s discussion of IP-IP encapsulation to such a data structure.

Applicant notes that the Examiner appears to suggest that several alternative techniques for serving a request packet are each inherent in Aversa, relying on Stevens. See pages 4-5, paragraph 7 and pages 9-10, paragraph 25. Applicant respectfully traverses the Examiner’s contention that any techniques discussed in Stevens are inherent in Aversa, particularly where the Examiner has implied that the techniques are alternatives.

Although Applicant has not addressed the Examiner’s additional rejections under 35 U.S.C. § 102 for all of the dependent claims in the interests of expediting prosecution, Applicant hereby reserves the right to traverse and specifically argue these claims in the future.

As noted above, the Examiner has rejected claims 12, 23, 24, 36, 47, 48, 59 and 61 as rendered obvious by Aversa in view of Yuasa, and Applicant traverses these rejections. Aversa is not an appropriate primary reference because Aversa does not teach, suggest, or motivate bypassing the first local area network when forwarding packets. Yuasa also does not teach, suggest, or motivate bypassing the first local area network when forwarding packets. Thus, Aversa, alone or in combination with Yuasa, does not render obvious the subject matter of claims 12, 23, 24, 36, 47, 48, 59 and 61.

In addition, one would not have been motivated at the time of this invention to combine the Aversa and Yuasa references. Yuasa is generally related to an in-house network where large amounts of data are being transmitted internally. On the other hand, Aversa is generally related to clients that connect to servers over the Internet. Accordingly, dependent claims 12, 23, 24, 36, 47, 48, 59 and 61 are allowable for at least the reasons stated above for the

independent claims upon which they depend, and for the additional reason that there is no motivation to combine the Aversa and Yuasa references.

As noted above, the Examiner has rejected claims 15 and 39 as rendered obvious by Aversa in view of Perkins, and Applicant traverses these rejections. Aversa is not an appropriate primary reference because Aversa does not teach, suggest, or motivate bypassing the first local area network when forwarding packets. Perkins also does not teach, suggest, or motivate bypassing the first local area network when forwarding packets. Thus, Aversa, alone or in combination with Perkins, does not render obvious the subject matter of claims 15 and 39. Accordingly, dependent claims 15 and 39 also are allowable for at least the reasons stated above for the independent claims upon which they depend.

In addition, claims 14 and 38, from which claims 15 and 39 respectively depend, recite, "the encapsulated information packet including the information packet and a reference to a data structure of a connection with the client." Claims 15 and 39 subsequently recite, "the reference is included within a single header of the encapsulated information packet." There is no indication in Perkins that the outer IP header contains a "reference to a data structure of a connection with a client." Therefore, Perkins does not teach, suggest or motivate a reference to a data structure of a connection with the client within a single header. Accordingly, claims 15 and 39 also are allowable because Aversa, alone or in combination with Perkins, does not teach, suggest, or motivate a reference to a data structure of a connection with a client within a single header of an encapsulated information packet.


Conclusion

Therefore, for these reasons and others, all of the pending claims are not anticipated or rendered obvious by Aversa, alone or in any combination with Yuasa, Perkins, or Stevens. Applicant notes that the claims have not been amended. Applicant reserves the right to further present arguments regarding the Examiner's statements about what is known in the art or taught by the cited references at a later time, should such become necessary. Specifically, no waiver (legal, factual, or otherwise), implicit or explicit, is hereby intended.

In the event the Examiner disagrees that all of the pending claims are allowable or finds minor informalities, Applicant respectfully renews its request for a telephone interview to discuss the Examiner's issues and to expeditiously resolve prosecution of this application. Accompanying this Amendment is a Request for Telephone Interview in the event the Examiner does agree that the claims are allowable over the cited references.

In closing, Applicant respectfully requests the Examiner to enter these amendments and to reconsider this application and its early allowance. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
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Enclosure:
Applicant Initiated Interview Request Form

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